

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Township of Scio v Ernest Bateson**
Docket No. **281490**
L.C. No. **96-006655-CE**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the September 7, 2007 order is a postjudgment order that is not appealable as a matter of right. MCR 7.202(6)(a). The test in 1988 for a final order was whether an order affected with finality the rights of a party. That was why the order in *In Re Contempt of Johnson*, 165 Mich App 422(1988) was a final order. The test in 2007 for a final order is does it fall within any of the five categories of MCR 7.202(6)(a). The order of September 7, 2007, does not fall within any of those five categories.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 21 2007

Date

Sandra Schultz Mengel
Chief Clerk